

### **REMARKS**

Applicant has carefully reviewed and considered the Office Action mailed on January 15, 2004, and the references cited therewith.

Claims 1-4, 17-30, 43-52 are withdrawn, claim 34 is amended, claims 5-12 and 35-37 are canceled, and claim 53 is added; as a result, claims 13-16, 31-34, 38-42 and 53 are now pending in this application.

A detailed response to the rejections follows. However, applicant reserves all applicable rights not exercised in connection with this response, including, for example, the right to swear behind one or more of the cited references, the right to rebut any tacit or explicit characterization of the references, and the right to rebut any asserted motivation for combination. Applicant makes no admission regarding the prior art status of the cited references, regarding them as being only of record.

#### **Double Patenting Rejections**

Claims 5-11 were rejected under 35 USC § 101 as allegedly claiming the same invention as that of claims 5-11 of prior U.S. Publication No. 2002043577. This is a double patenting rejection. Applicant respectfully points out that claims 5-11 of U.S. Publication No. 2002043577 have not issued, and that the rejection of claims 5-11 under 35 USC § 101 over U.S. Publication No. 2002043577 is not proper. However, claims 5-11 have been canceled herein to facilitate prosecution.

Claims 9-12 and 35-38 were rejected under 35 USC § 101 as allegedly claiming the same invention as that of claims 3-6 of prior U.S. Patent No. 6,392,070. Claims 9-12 and 35-38 have been canceled herein to facilitate prosecution.

Claims 5-7 and 31-33 were rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-2 of U.S. Patent No. 6,392,070. To facilitate prosecution, a Terminal Disclaimer in compliance with 37 CFR 1.321(b)(iv) is enclosed herewith to overcome this rejection.

#### **Allowable Subject Matter**

Applicant acknowledges that claims 13-16 and 39-42 were allowed.

Claims 8 and 34 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As such, while claim 8 has been canceled herein, claim 8 has been rewritten as claim 53, with all of the limitations of the base claim. Additionally, claim 34 has been amended to include all of the limitations of the base claim. As such, claims 34 and 53 are believed to be in condition for allowance.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 359-3261 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

Respectfully submitted,

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By their Representatives,

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Date May 11, 2004

By William F. Prout  
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 11th day of May, 2004.

PATRICIA A. HULTMAN

Name

Signature